

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	CAUSE NO.: 2:02-CR-58-TS
	)	
GEORGE BROWN	)	

**OPINION AND ORDER**

This matter is before the Court on a Verified Petition to Vacate/Modify [DE 101], filed by Petitioner Mark Diamond on April 20, 2005. The government filed a response on April 20, 2005, and the Petitioner filed his reply on May 23, 2005.

To the extent the Petitioner's Reply raises a new issue with regard to the filing of a Complaint to Foreclose Mechanic's Lien on August 12, 1996, by James Kendig, d/b/a All-Star Construction, the Court GRANTS the government an opportunity to file a sur-response to present any argument and caselaw in opposition to the Petitioner's argument. The Court ORDERS the government to file any response to the Petitioner's Reply within seven days from the date of this Order.

SO ORDERED on June 7, 2005.

S/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT